

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**JOHN W. LANGLEY,
Plaintiff,**

vs.

CIV NO. 1:21-00178-DHU/SMV

**KILOLO KIJAKAZI,
Acting Commissioner Social Security,
Defendant.**

ORDER

Upon consideration of the Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, the Court finds the Motion (Dkt. No. 46) should be GRANTED.

IT IS THEREFORE ORDERED that Plaintiff is awarded attorney fees in the amount of \$6,082.20 under the Equal Access to Justice Act, 28 U.S.C. § 2412, made payable to Plaintiff as the prevailing party herein.

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b), she must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 22nd day of August 2022.



**STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE**

SUBMITTED AND APPROVED BY:

Electronically submitted August 19, 2022

VICTORIA V. JOHNSON

Special Assistant United States Attorney

Electronically approved August 19, 2022

HELEN LAURA LÓPEZ

Attorney for Plaintiff